

IN THE UNITED STATES PATENT AND TRADEMARK OFFICERECEIVED
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Application Number : 10/694,348 Confirmation No.: 2563
Applicant : Othman A. Hamed, *et al.*
Filed : October 28, 2003
Title : CHEMICALLY CROSS-LINKED CELLULOSIC FIBER AND METHOD OF
MAKING SAME
TC/Art Unit : 1731
Examiner: : Marc S. Alvo

Attorney Docket No. : 60892.000016
Customer No. : 21967

OFFICIAL

RESPONSE TO OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed June 15, 2004, Applicants hereby traverse the restriction requirement and request reconsideration and withdrawal of said restriction requirement.

SUMMARY OF RESTRICTION REQUIREMENT

The Examiner has required Applicants under 35 U.S.C. § 121 to elect one of three groups of claims (see Office Action, pages 2-4).

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ELECTION

In the event that the restriction requirement is not withdrawn, Applicants hereby provisionally elect the claims of Invention Group III, Claims 37-51, with traverse.

Applicants note initially that the restriction requirement set forth in the present case is not consistent with the restriction requirement set forth in the parent application serial No. 10/166,254, ("the parent application") despite the fact that the claims pending in the present application are identical to the non-elected claims of the parent application. Claims 29-79 of the parent application correspond to claims 1-51 of the present application; claims 82-84 of the parent application correspond to claims 52-54 of the present application; and claims 86-89 of the parent application correspond to claims 55-58 of the present application. Applicants respectfully request that the Examiner clarify the record in this regard (see, for example, *Bristol-Myers Squibb Co. v. Pharmachemie, B.V.*, 361 F.3d 1343 (Fed. Cir. 2004), where inconsistent restriction requirements from the United States Patent and Trademark Office ultimately resulted in a patent being invalidated under the judicially created doctrine of obviousness-type double patenting).

Applicants also note that the restriction requirement includes claim 20 in both groups I and II. Applicants are not sure to which group claim 20 belongs, and respectfully request clarification so that applicants can file divisional applications covering the appropriate claims. Finally, Group II includes claims 20-36, 54, and 52-56. Again, it is not clear if claim 54 is a typographical error and should be a different claim number, or whether claim 54 should be deleted since it already is included in Group II by virtue of the inclusion of claims 52-56. Applicants respectfully request clarification in this regard.

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Applicants believe that no fees are necessary in connection with the filing of this document. In the event any fees are necessary, please charge or credit any such fees, including fees for any extensions of time, to the undersigned's Deposit Account No. 50-0206.

In view of the above remarks, it is thus respectfully requested that the restriction requirement be withdrawn and that all claims be allowed to be prosecuted in the same application.

Respectfully submitted,

HUNTON & WILLIAMS

Dated: 7/14/04

By: 

Patrick A. Doody
Registration No. 35,022

Hunton & Williams
Intellectual Property Department
1900 K Street, NW, Suite 1200
Washington, D.C. 20006-1109
(202) 955-1500 (Telephone)
(202) 778-2201 (Facsimile)

PAD/dkt